

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, et al.,  
Plaintiffs,

v.

WILBUR L. ROSS, et al.,  
Defendants.

Case No. 18-cv-01865-RS

18-cv-02279-RS

~~PROPOSED~~ FINAL JUDGMENT  
AFTER REMAND, ORDER OF  
VACATUR, AND PERMANENT  
INJUNCTION

CITY OF SAN JOSE, et al.,  
Plaintiffs,

v.

WILBUR L. ROSS, et al.,  
Defendants.

In accordance with the Court's March 6, 2019 Findings of Fact and Conclusions of Law, the June 28, 2019 order of the United States Supreme Court in *Wilbur L. Ross, Secretary of Commerce, et al. v. California, et al.*, No. 18-1214, the Unopposed Motions to Enter Final Judgment After Remand filed by the Plaintiffs on July 30, 2019, and Rule 58(b)(2)(B) of the Federal Rules of Civil Procedure, it is **ORDERED, ADJUDGED, and DECREED** as follows:

**FINAL JUDGMENT AFTER REMAND**

In Case No. 18-cv-1865-RS:

- Final judgment is entered for Plaintiffs and against Defendants on Plaintiffs' Second Cause of Action (Violation of APA; 5 U.S.C. § 706).
- Final judgment is entered for Defendants and against Plaintiffs on Plaintiffs' First Cause of Action (Violation of Constitution's "Actual Enumeration" Mandate; U.S. Const. art. I, § 2, cl. 3).

In Case No. 18-cv-2279-RS:

- Final judgment is entered for Plaintiffs and against Defendants on Plaintiffs' Fourth Cause of Action (Violation of APA's Arbitrary and Capricious Standard; 5 U.S.C. § 706(2)(A)).
- Final judgment is entered for Defendants and against Plaintiffs on Plaintiffs' First Cause of Action (Violation of Constitution's "Actual Enumeration" Mandate; U.S. Const. art. I, § 2, cl. 3); Plaintiffs' Second Cause of Action (Violation of the Constitution's Apportionment Clause; U.S. Const. amend. XIV, § 2); and Plaintiffs' Third Cause of Action (Violation of APA's Requirement that Administrative Action Be in Accordance with Law, Not Contrary to Constitutional Right, and Not Beyond Statutory Authority; 5 U.S.C. § 706(2)).

**VACATUR AND REMAND**

Secretary Ross's March 26, 2018 decision to include a citizenship question on the 2020 Census is hereby **VACATED**. In light of the permanent injunction below, the decision is not remanded to the Department of Commerce.

**PERMANENT INJUNCTION**

Defendants, including the Secretary of Commerce in his official capacity, the Director of the Census Bureau in his official capacity, and any successors to those offices, together with their agents, servants, employees, attorneys, and other persons who are in active concert or participation with the foregoing, see Fed. R. Civ. P. 65(d)(2), are hereby **PERMANENTLY ENJOINED** from including a citizenship question on the 2020 decennial census questionnaire;

1 from delaying the process of printing the 2020 decennial census questionnaire after June 30, 2019  
2 for the purpose of including a citizenship question; and from asking persons about citizenship  
3 status on the 2020 census questionnaire or otherwise asking a citizenship question as part of the  
4 2020 decennial census.

5 The Court will retain jurisdiction in these cases to enforce the terms of this Order until the  
6 2020 Census results are processed and sent to the President by December 31, 2020.

7  
8 **IT IS SO ORDERED.**

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10 Dated: 8/1, 2019



11  
12 RICHARD SEEBORG  
United States District Judge

13 CASE NOS. 18-cv-01865-RS, 18-cv-02279-RS  
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